

REMARKS

Claims 1-12 remain pending in the application.

No new issues are raised, nor is further search required, as a result of the Amendments made herein. The changes relate to distinctions the Examiner has already understood. It is respectfully requested that the Amendment be entered.

Claims 1 and 2 over Devillier

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Pat. No. 5,850,435 to Devillier ("Devillier"). The Applicants respectfully traverse the rejection.

Claim 1 recites a method introducing a digitized version of an audio message to a called telephone apparatus while a telephone line of the called telephone apparatus remains in an on-hook state. Claim 2, dependent from claim 1, additionally recites that Caller ID information is provided in addition to the audio message.

Devillier discloses a method for audible caller name announcement that uses a separate telephone call from the central office, prior to placement of a call between a caller and a called party, to audibly announce the caller of the subsequent telephone call. All audible announcements made by Devillier are done DURING a telephone call, i.e., while the telephone line of the called party is in an OFF-hook condition.

See, e.g., the passages cited by the Examiner in col. 3 of Devillier. In particular, a caller dials a number, and a central office prompts for an audibly spoken name. The caller is then placed on hold, and a separate telephone call is made to the called party. (Devillier, col. 3, lines 14-15). The called party answers the call, and while their telephone is in an OFF-hook condition, an audible announcement is made. (Devillier, col. 3, lines 21-22). Thus, the audible name is clearly disclosed as being DURING an established telephone call, i.e., AFTER the called party answers the telephone.

The Examiner additionally cites an alternative embodiment of Devillier that teaches that the audible announcement may be made on a

speakerphone, having the advantage of not requiring the subscriber to physically pick up the phone. (col. 3, lines 28-34) Devillier's speakerphone is nonetheless OFF-hook when the audible announcement is made.

At the end of this area of discussion, Devillier discloses in col. 3, lines 34-36 that the audible caller announcement can replace a conventional ring of a phone. However, this presumably refers to rings of the subsequent telephone call, completing the initial call between the caller and the called party, as the same paragraph in the first sentence at line 21 indicates that the called party already has answered the call providing the audible announcement.

Devillier clearly fails to disclose provision of an audio message while a telephone line of the called telephone apparatus remains in an ON-hook state, as claimed by claims 1 and 2.

Accordingly, for at least all the above reasons, claims 1 and 2 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3-12 over Devillier in view of Brown

Claims 3-12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Devillier in view of U.S. Pat. No. 5,631,950 to Brown ("Brown"). The Applicants respectfully traverse the rejection.

The Examiner agrees that Devillier fails to disclose a silent interval as recited by claim 3 (Office Action at 4); that Devillier fails to disclose receiving a digitized version of an audio message during a silent interval as recited by claims 4-6 (Office Action at 5); that Devillier fails to disclose a silence detector and a signal injector as claimed by claims 7-9 (Office Action at 6); and fails to disclose a silence detector and a receiver responsive to the silence detector as claimed by claims 10-12 (Office Action at 8). Thus, the Examiner agrees that Claims 3-12 are not obvious over Devillier alone.

To cure these major deficiencies in claims 3-12, the Examiner cites Brown.

Brown is not prior art with respect to claims 3-12, and thus is improperly applied against claims 3-12.

In particular, Brown was co-owned by Lucent Technologies Inc. at the time of the invention of the present application. The Examiner is respectfully directed to the Assignment of the current application, which was executed on April 11, 2000, assigning all rights in the application at the time to Lucent Technologies Inc. Brown shows on its front page assignment to the same entity. Thus, under 35 USC 103(c), Brown is not available as prior art in an obviousness rejection.

The rejection of claims 3-12 cannot stand on Devillier alone. Accordingly, it is respectfully requested that the rejection be withdrawn.

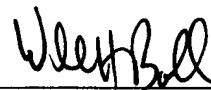
Withdrawal of Finality

Moreover, it is respectfully submitted that the finality of the present Office Action must be withdrawn as it cites improper prior art in support of a rejection of the claims.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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